

# **Exhibit “4”**

1 DAVID J. KAMINSKI, ESQ. (SBN #128509)  
2 STEPHEN A. WATKINS, ESQ. (SBN #205175)  
3 CARLSON & MESSER LLP  
4 5959 W. Century Boulevard, Suite 1214  
5 Los Angeles, California 90045  
6 (310) 242-2200 Telephone  
7 (310) 242-2222 Facsimile

5 Attorneys for Defendant,  
ENCORE RECEIVABLE MANAGEMENT, INC.

20 PROPOUNDING PARTY: Plaintiff, SAMUEL KWESI DADJO

21 | RESPONDING PARTY: Defendant, ENCORE RECEIVABLE MANAGEMENT, INC.

22 SET NUMBER: ONE

23 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant answers the  
24 following Request for Production of Documents:

25        This responding party has not fully completed its investigation of the facts relating to this  
26 case, have not fully completed its discovery in this action, and has not fully completed its  
27 preparation for trial. All of the responses contained based only upon such information and  
28 documents presently available to and specifically known to this responding party and disclose only

1 those contentions which are presently known to this responding party. It is anticipated that further  
2 discovery, independent investigation, legal research and analysis will supply additional facts, add  
3 meaning to the known facts, as well as establish entirely new factual and legal conclusions, all of  
4 which may lead to substantial additions to, changes and variations from the contentions set forth  
5 herein.

6 The following responses are given without prejudice to this responding party's right to  
7 produce any evidence of any undiscovered fact or facts which this responding party may later recall  
8 or locate. Responding party accordingly reserves the right to change any and all responses herein  
9 as additional facts are ascertained, analyses are made, legal research is completed and contentions  
10 are made. The responses contained herein are made in a good faith effort to supply as much factual  
11 information and as much specification of legal contentions as is presently known but should in no  
12 way be to the detriment of this responding party in relation to further discovery. It should further  
13 be noted that these discovery responses are made solely for the purpose of this action.

14

15 **REQUESTS FOR PRODUCTION AND RESPONSES**

16 **REQUEST FOR PRODUCTION NO. 1:**

17 All DOCUMENTS on which you relied in anyway [sic] in preparing answers to Plaintiff's  
18 interrogatories served simultaneously herewith.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

20 See attached account notes.

21 **REQUEST FOR PRODUCTION NO. 2:**

22 All DOCUMENTS which you specially mention in any answer to Plaintiff's  
23 interrogatories served simultaneously herewith.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

25 See attached account notes.

26 **REQUEST FOR PRODUCTION NO. 3:**

27 All DOCUMENTS which were specifically mentioned or requested in the text of any  
28 of Plaintiff's interrogatories served simultaneously herewith.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

2 See attached account notes.

3 **REQUEST FOR PRODUCTION NO. 4:**

4 All DOCUMENTS which you intend to utilize at a trial or hearing in this matter.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

6 Encore objects to Plaintiff's Request for Production of Documents No. 4 on the grounds  
7 that request is premature, overly broad, unduly burdensome, not relevant to a claim or defense of  
8 any party, and not reasonably calculated to lead to the discovery of admissible evidence to the  
9 extent Plaintiff seeks the following: "All DOCUMENTS which you intend to utilize at a trial or  
10 hearing in this matter." Responding party further objects to the request to the extent it seeks  
11 proprietary or trade secret information. Subject to and without waiving the foregoing objections,  
12 responding party states: See attached account notes. Encore will produce its training manuals  
13 utilized in connection with its collection process, training programs and ongoing training programs  
14 upon the entry of a suitable protective order as the documents contain confidential and/or  
15 proprietary information and/or the trade secrets of Encore. Certain materials are written, others are  
16 computerized and others are audio/visual. Encore reserves the right to supplement this response as  
17 necessary throughout litigation of this matter.

18 **REQUEST FOR PRODUCTION NO. 5:**

19 All DOCUMENTS identified or listed in YOUR Initial Disclosures pursuant to Fed. R.  
20 Civ. P. 26(a)(1) in this case.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

22 Encore objects to Plaintiff's Request for Production of Documents No. 5 on the grounds  
23 that request is premature, overly broad, unduly burdensome, not relevant to a claim or defense of  
24 any party, and not reasonably calculated to lead to the discovery of admissible evidence to the  
25 extent Plaintiff seeks the following: "**All DOCUMENTS identified or listed in YOUR Initial**  
26 **Disclosure** pursuant to Fed. R. Civ. P. 26(a)(1) in this case" (emphasis added). Encore reserves the  
27 right to supplement this response as necessary throughout litigation of this matter.

28 ///

1 **REQUEST FOR PRODUCTION NO. 6:**

2 All DOCUMENTS relating in any way to the alleged debt of Plaintiff and the collection  
3 thereof.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

5 See attached account notes.

6 **REQUEST FOR PRODUCTION NO. 7:**

7 An organizational chart for Defendant, ENCORE RECEIVABLE MANAGEMENT, INC.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

9 Encore objects to Plaintiff's Request for Production of Documents No. 7 on the grounds  
10 that request is unduly burdensome, not relevant to a claim or defense of any party, and not  
11 reasonably calculated to lead to the discovery of admissible evidence to the extent Plaintiff seeks  
12 the following: "**An organizational chart for Defendant, ENCORE RECEIVABLE**  
13 **MANAGEMENT, INC.**" (emphasis added).

14 **REQUEST FOR PRODUCTION NO. 8:**

15 Copies of the Complaint for any litigation filed against Defendant, ENCORE  
16 RECEIVABLE MANAGEMENT, INC. in the past 3 years alleging violations of the Federal Fair  
17 Debt Collection Practices Act, 15 U.S.C. § 1692d(5).

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

19 Encore objects to Plaintiff's Request for Production of Documents No. 8 on the grounds  
20 that the request is vague, overly broad, unduly burdensome, not relevant to a claim or defense of  
21 any party to this lawsuit, and not reasonably calculated to lead to the discovery of admissible  
22 evidence to the extent that Plaintiff seeks the following: "**Copies of the Complaint for any**  
23 **litigation filed against Defendant, ENCORE RECEIVABLE MANAGEMENT, INC., in the**  
24 **past 3 years** alleging violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. §  
25 1692d(5)" (emphasis added). Subject to and without waiving said objections, the fact that a suit  
26 has been brought in any jurisdiction alleging facts completely different and unrelated to the  
27 allegations in Plaintiff's Complaint is completely irrelevant. In addition, and without waiving said  
28 objections, Encore states that no action has ever been brought which has resulted in a judgment

1 against Encore. Further, and without waiving said objections, Plaintiff is seeking information that  
 2 is of public record.

3 **REQUEST FOR PRODUCTION NO. 9:**

4 Copies of the Complaint for any litigation filed against Defendant, ENCORE  
 5 RECEIVABLE MANAGEMENT, INC. in the past 3 years alleging violations of the Federal Fair  
 6 Debt Collection Practices Act, 15 U.S.C. § 1692d(6).

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

8 Encore objects to Plaintiff's Request for Production of Documents No. 9 on the grounds  
 9 that the request is vague, overly broad, unduly burdensome, not relevant to a claim or defense of  
 10 any party to this lawsuit, and not reasonably calculated to lead to the discovery of admissible  
 11 evidence to the extent that Plaintiff seeks the following: **"Copies of the Complaint for any**  
 12 **litigation filed against Defendant, ENCORE RECEIVABLE MANAGEMENT, INC., in the**  
 13 **past 3 years** alleging violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. §  
 14 1692d(6)" (emphasis added). Subject to and without waiving said objections, the fact that a suit  
 15 has been brought in any jurisdiction alleging facts completely different and unrelated to the  
 16 allegations in Plaintiff's Complaint is completely irrelevant. In addition, and without waiving said  
 17 objections, Encore states that no action has ever been brought which has resulted in a judgment  
 18 against Encore. Further, and without waiving said objections, Plaintiff is seeking information that  
 19 is of public record.

20 **REQUEST FOR PRODUCTION NO. 10:**

21 Copies of the Complaint for any litigation filed against Defendant, ENCORE  
 22 RECEIVABLE MANAGEMENT, INC. in the past 3 years alleging violations of the Federal Fair  
 23 Debt Collection Practices Act, 15 U.S.C. § 1692d(11).

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

25 Encore objects to Plaintiff's Request for Production of Documents No. 10 on the grounds  
 26 that the request is vague, overly broad, unduly burdensome, not relevant to a claim or defense of  
 27 any party to this lawsuit, and not reasonably calculated to lead to the discovery of admissible  
 28 evidence to the extent that Plaintiff seeks the following: **"Copies of the Complaint for any**

1 **litigation filed against Defendant, ENCORE RECEIVABLE MANAGEMENT, INC., in the**  
 2 **past 3 years** alleging violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. §  
 3 1692d(11)" (emphasis added). Subject to and without waiving said objections, the fact that a suit  
 4 has been brought in any jurisdiction alleging facts completely different and unrelated to the  
 5 allegations in Plaintiff's Complaint is completely irrelevant. In addition, and without waiving said  
 6 objections, Encore states that no action has ever been brought which has resulted in a judgment  
 7 against Encore. Further, and without waiving said objections, Plaintiff is seeking information that  
 8 is of public record.

9 **REQUEST FOR PRODUCTION NO. 11:**

10 Copies of the Complaint for any litigation filed against Defendant, ENCORE  
 11 RECEIVABLE MANAGEMENT, INC. in the past 3 years alleging violations of California  
 12 Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788.11(b).

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

14 Encore objects to Plaintiff's Request for Production of Documents No. 11 on the grounds  
 15 that the request is vague, overly broad, unduly burdensome, not relevant to a claim or defense of  
 16 any party to this lawsuit, and not reasonably calculated to lead to the discovery of admissible  
 17 evidence to the extent that Plaintiff seeks the following: "**Copies of the Complaint for any**  
 18 **litigation filed against Defendant, ENCORE RECEIVABLE MANAGEMENT, INC., in the**  
 19 **past 3 years** alleging violations of the federal California Rosenthal Fair Debt Collection Practices  
 20 Act, Cal. Civil Code § 1788.11(b)" (emphasis added). Subject to and without waiving said  
 21 objections, the fact that a suit has been brought in any jurisdiction alleging facts completely  
 22 different and unrelated to the allegations in Plaintiff's Complaint is completely irrelevant. In  
 23 addition, and without waiving said objections, Encore states that no action has ever been brought  
 24 which has resulted in a judgment against Encore. Further, and without waiving said objections,  
 25 Plaintiff is seeking information that is of public record.

26 **REQUEST FOR PRODUCTION NO. 12:**

27 Copies of the Complaint for any litigation filed against Defendant, ENCORE  
 28 RECEIVABLE MANAGEMENT, INC. in the past 3 years alleging violations of California

1 Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788.11(d).

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

3 Encore objects to Plaintiff's Request for Production of Documents No. 12 on the grounds  
 4 that the request is vague, overly broad, unduly burdensome, not relevant to a claim or defense of  
 5 any party to this lawsuit, and not reasonably calculated to lead to the discovery of admissible  
 6 evidence to the extent that Plaintiff seeks the following: "**Copies of the Complaint for any**  
 7 **litigation filed against Defendant, ENCORE RECEIVABLE MANAGEMENT, INC., in the**  
 8 **past 3 years** alleging violations of the California Rosenthal Fair Debt Collection Practices Act,  
 9 Cal. Civil Code § 1788.11(d)" (emphasis added). Subject to and without waiving said objections,  
 10 the fact that a suit has been brought in any jurisdiction alleging facts completely different and  
 11 unrelated to the allegations in Plaintiff's Complaint is completely irrelevant. In addition, and  
 12 without waiving said objections, Encore states that no action has ever been brought which has  
 13 resulted in a judgment against Encore. Further, and without waiving said objections, Plaintiff is  
 14 seeking information that is public record.

15 **REQUEST FOR PRODUCTION NO. 13:**

16 Copies of the Complaint for any litigation filed against Defendant, ENCORE  
 17 RECEIVABLE MANAGEMENT, INC. in the past 3 years alleging violations of California  
 18 Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788.11(e).

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

20 Encore objects to Plaintiff's Request for Production of Documents No. 13 on the grounds  
 21 that the request is vague, overly broad, unduly burdensome, not relevant to a claim or defense of  
 22 any party to this lawsuit, and not reasonably calculated to lead to the discovery of admissible  
 23 evidence to the extent that Plaintiff seeks the following: "**Copies of the Complaint for any**  
 24 **litigation filed against Defendant, ENCORE RECEIVABLE MANAGEMENT, INC., in the**  
 25 **past 3 years** alleging violations of the California Rosenthal Fair Debt Collection Practices Act,  
 26 Cal. Civil Code § 1788.11(e)" (emphasis added). Subject to and without waiving said objections,  
 27 the fact that a suit has been brought in any jurisdiction alleging facts completely different and  
 28 unrelated to the allegations in Plaintiff's Complaint is completely irrelevant. In addition, and

1 without waiving said objections, Encore states that no action has ever been brought which has  
 2 resulted in a judgment against Encore. Further, and without waiving said objections, Plaintiff is  
 3 seeking information that is of public record.

4 **REQUEST FOR PRODUCTION NO. 14:**

5 Any insurance policies covering Defendant, ENCORE RECEIVABLE MANAGEMENT,  
 6 INC. for violation of the Fair Debt Collection Practices Act or the Rosenthal Fair Debt Collection  
 7 Practices Act.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

9 None.

10 **REQUEST FOR PRODUCTION NO. 15:**

11 All DOCUMENTS in Defendant, ENCORE RECEIVABLE MANAGEMENT, INC.'s  
 12 possession sent to or received from anyone which in any way relate to the debt owed by Plaintiff.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

14 Encore objects to Plaintiff's Request for Production of Documents No. 15 on the grounds  
 15 that the request is vague, overly broad, unduly burdensome, not relevant to a claim or defense of  
 16 any party to this lawsuit, and not reasonably calculated to lead to the discovery of admissible  
 17 evidence to the extent that Plaintiff seeks the following: "**All DOCUMENTS in Defendant,**  
**ENCORE RECEIVABLE MANAGEMENT, INC.'s, possession sent to or received from**  
**anyone** which in any way relate to the debt owed by Plaintiff" (emphasis added). Further, and  
 20 without waiving said objections, Plaintiff is seeking proprietary and/or confidential information.

21 **REQUEST FOR PRODUCTION NO. 16:**

22 All DOCUMENTS in Defendant, ENCORE RECEIVABLE MANAGEMENT, INC.'s  
 23 possession sent to or received from Plaintiff which in any way relate to the debt owed by Plaintiff.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

25 Encore objects to Plaintiff's Request for Production of Documents No. 16 on the grounds  
 26 that the request is vague, overly broad, unduly burdensome, not relevant to a claim or defense of  
 27 any party to this lawsuit, and not reasonably calculated to lead to the discovery of admissible  
 28 evidence to the extent that Plaintiff seeks the following: "**All DOCUMENTS in Defendant,**

1 **ENCORE RECEIVABLE MANAGEMENT, INC.'s, possession sent to or received from**  
 2 **Plaintiff** which in any way relate to the debt owed by Plaintiff" (emphasis added). Further, and  
 3 without waiving said objections, Plaintiff is seeking proprietary and/or confidential information.

4 **REQUEST FOR PRODUCTION NO. 17:**

5 All operation manuals or similar **DOCUMENTS**, etc., utilized by Defendant, ENCORE  
 6 RECEIVABLE MANAGEMENT, INC. relating to its compliance with the Federal Fair Debt  
 7 Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

9 Encore objects to Plaintiff's Request for Production of Documents No. 17 on the grounds  
 10 that request is vague, overly broad, unduly burdensome, not relevant to a claim or defense of any  
 11 party, and not reasonably calculated to lead to the discovery of admissible evidence to the extent  
 12 Plaintiff seeks the following: "All operation manuals or similar DOCUMENTS, etc., utilized by  
 13 Defendant, ENCORE RECEIVABLE MANAGEMENT, INC., relating to its compliance with the  
 14 federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*" Responding party further  
 15 objects to the request to the extent it seeks proprietary or trade secret information. Subject to and  
 16 without waiving the foregoing objections, responding party states: Encore will produce its training  
 17 manuals utilized in connection with its collection process, training programs and ongoing training  
 18 programs upon the entry of a suitable protective order as the documents contain confidential and/or  
 19 proprietary information and/or the trade secrets of Encore. Certain materials are written, others are  
 20 computerized and others are audio/visual.

21 **REQUEST FOR PRODUCTION NO. 18:**

22 All operation manuals or similar DOCUMENTS, etc., utilized by Defendant, ENCORE  
 23 RECEIVABLE MANAGEMENT, INC. relating to its compliance with the California Rosenthal  
 24 Fair Debt Collection Practices Act, Cal. Civil Code § 1788 *et seq.*

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

26 Encore objects to Plaintiff's Request for Production of Documents No. 18 on the grounds  
 27 that request is vague, overly broad, unduly burdensome, not relevant to a claim or defense of any  
 28 party, and not reasonably calculated to lead to the discovery of admissible evidence to the extent

1 Plaintiff seeks the following: "All operation manuals or similar DOCUMENTS, etc., utilized by  
 2 Defendant, ENCORE RECEIVABLE MANAGEMENT, INC., relating to its compliance with the  
 3 California Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788, et seq."  
 4 Responding party further objects to the request to the extent it seeks proprietary or trade secret  
 5 information. Subject to and without waiving the foregoing objections, responding party states:  
 6 Encore will produce its training manuals utilized in connection with its collection process, training  
 7 programs and ongoing training programs upon the entry of a suitable protective order as the  
 8 documents contain confidential and/or proprietary information and/or the trade secrets of Encore.  
 9 Certain materials are written, others are computerized and others are audio/visual.

10 **REQUEST FOR PRODUCTION NO. 19:**

11 All DOCUMENTS relating to the maintenance of procedures by Defendant, ENCORE  
 12 RECEIVABLE MANAGEMENT, INC. adapted to avoid any violation of the Federal Fair Debt  
 13 Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

15 Encore objects to Plaintiff's Request for Production of Documents No. 19 on the grounds  
 16 that request is vague, overly broad, unduly burdensome, not relevant to a claim or defense of any  
 17 party, and not reasonably calculated to lead to the discovery of admissible evidence to the extent  
 18 Plaintiff seeks the following: "All operation manuals or similar DOCUMENTS, etc., utilized by  
 19 Defendant, ENCORE RECEIVABLE MANAGEMENT, INC., relating to its compliance with the  
 20 California Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788, et seq."

21 Responding party further objects to the request to the extent it seeks proprietary or trade secret  
 22 information. Subject to and without waiving the foregoing objections, responding party states:  
 23 Encore will produce its training manuals utilized in connection with its collection process, training  
 24 programs and ongoing training programs upon the entry of a suitable protective order as the  
 25 documents contain confidential and/or proprietary information and/or the trade secrets of Encore.  
 26 Certain materials are written, others are computerized and others are audio/visual.

27 **REQUEST FOR PRODUCTION NO. 20:**

28 All DOCUMENTS relating to the maintenance of procedures by Defendant, ENCORE

1 RECEIVABLE MANAGEMENT, INC. adapted to avoid any violation of the California Rosenthal  
 2 Fair Debt Collection Practices Act, Cal. Civil Code § 1788 *et seq.*

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

4 Encore objects to Plaintiff's Request for Production of Documents No. 20 on the grounds  
 5 that request is vague, overly broad, unduly burdensome, not relevant to a claim or defense of any  
 6 party, and not reasonably calculated to lead to the discovery of admissible evidence to the extent  
 7 Plaintiff seeks the following: "All DOCUMENTS relating to the maintenance of procedures by  
 8 Defendant, ENCORE RECEIVABLE MANAGEMENT, INC., adapted to avoid any violation of  
 9 the California Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788, et seq."  
 10 Responding party further objects to the request to the extent it seeks proprietary or trade secret  
 11 information. Subject to and without waiving the foregoing objections, responding party states:  
 12 Encore will produce its training manuals utilized in connection with its collection process, training  
 13 programs and ongoing training programs upon the entry of a suitable protective order as the  
 14 documents contain confidential and/or proprietary information and/or the trade secrets of Encore.  
 15 Certain materials are written, others are computerized and others are audio/visual.

16 **REQUEST FOR PRODUCTION NO. 21:**

17 All material, including video and audio tapes, pertaining to training by or for Defendant,  
 18 ENCORE RECEIVABLE MANAGEMENT, INC. and its employees regarding the Federal Fair  
 19 Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

21 Encore objects to Plaintiff's Request for Production of Documents No. 21 on the grounds  
 22 that request is vague, overly broad, unduly burdensome, not relevant to a claim or defense of any  
 23 party, and not reasonably calculated to lead to the discovery of admissible evidence to the extent  
 24 Plaintiff seeks the following: "All material, including video and audio tapes, pertaining to training  
 25 by or for Defendant, ENCORE RECEIVABLE MANAGEMENT, INC., and its employees  
 26 regarding the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq." Responding  
 27 party further objects to the request to the extent it seeks proprietary or trade secret information.  
 28 Subject to and without waiving the foregoing objections, responding party states: Encore will

1 produce its training manuals utilized in connection with its collection process, training programs  
 2 and ongoing training programs upon the entry of a suitable protective order as the documents  
 3 contain confidential and/or proprietary information and/or the trade secrets of Encore. Certain  
 4 materials are written, others are computerized and others are audio/visual.

5 **REQUEST FOR PRODUCTION NO. 22:**

6 All material, including video and audio tapes, pertaining to training by or for Defendant,  
 7 ENCORE RECEIVABLE MANAGEMENT, INC. and its employees regarding the California  
 8 Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788 *et seq.*

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

10 Encore objects to Plaintiff's Request for Production of Documents No. 22 on the grounds  
 11 that request is vague, overly broad, unduly burdensome, not relevant to a claim or defense of any  
 12 party, and not reasonably calculated to lead to the discovery of admissible evidence to the extent  
 13 Plaintiff seeks the following: "All material, including video and audio tapes, pertaining to training  
 14 by or for Defendant, ENCORE RECEIVABLE MANAGEMENT, INC., and its employees  
 15 regarding the California Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788, et  
 16 seq." Responding party further objects to the request to the extent it seeks proprietary or trade  
 17 secret information. Subject to and without waiving the foregoing objections, responding party  
 18 states: Encore will produce its training manuals utilized in connection with its collection process,  
 19 training programs and ongoing training programs upon the entry of a suitable protective order as  
 20 the documents contain confidential and/or proprietary information and/or the trade secrets of  
 21 Encore. Certain material are written, others are computerized and others are audio/visual.

22 **REQUEST FOR PRODUCTION NO. 23:**

23 All fee agreements between Defendant, ENCORE RECEIVABLE MANAGEMENT, INC.  
 24 pertaining to the collection of the debt owed by Plaintiff.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

26 Encore objects to Plaintiff's Request for Production of Documents No. 23 on the grounds  
 27 that request is subject to the attorney/client privilege, not relevant to a claim or defense of any  
 28 party, and not reasonably calculated to lead to the discovery of admissible evidence to the extent

1 Plaintiff seeks the following: "**All fee agreements between Defendant, ENCORE**  
2 **RECEIVABLE MANAGEMENT, INC., and its attorneys or other DOCUMENTS** relating to  
3 such fees" (emphasis added).

4 **REQUEST FOR PRODUCTION NO. 24:**

5 A copy of the entire contents of the collection file maintained by Defendant, ENCORE  
6 RECEIVABLE MANAGEMENT, INC. pertaining to the collection of the debt owed by Plaintiff.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

8 See attached account notes.

9

10 DATED: April 3, 2008

CARLSON & MESSER LLP

11  
12 By   
13 David J. Kamienski, Esq.  
14 Stephen A. Watkins, Esq.  
15 Attorneys for Defendant,  
16 ENCORE RECEIVABLE MANAGEMENT, INC.  
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CARLSON & MESSER LLP  
5959 W. CENTURY BOULEVARD, SUITE 1214  
LOS ANGELES, CALIFORNIA 90045

## Account Screen

Window: 12

Account: 6019180368616153GE

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6/15/2008

121

## ~~~~~ Voice Track Recordings ~~~~~

3	Key	File Name	User	Date	Rel. Acct.	3
3	4384	V:\GE\20070403\14\1175628159.487	A17W	04/03/2007	6019180368	3
3	4448	V:\GE\20070409\15\1176150390.494	A18B	04/09/2007	6019180368	3
3	4457	V:\GE\20070410\12\1176225217.494	A18B	04/10/2007	6019180368	3
3	4461	V:\GE\20070410\15\1176238536.197	W15B	04/10/2007	6019180368	3
3	4509	V:\GE\20070414\13\1176573799.485	B14B	04/14/2007	6019180368	3

West  
Dad Jo

Already on First Page.

gab 0405

**E000001**

Account Screen

Account: 6019180368616153GE

Window:

General Information

Encore Account #: 1188563

First Name: SAM K Last Name: DADJO

Addr: 28369 ROCHELLE AVE Social Security #:

Addr: Home Phone: 510-690-0116

City: HAYWARD Work Phone: 0

State: CA Zip: 94544 Old Home Phone:

Old Work Phone:

Collector: Load Date: 04/30/2007

Pool: Balance: \$1,214.00

SAM K DADJO Amount Past Due: \$126.00

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

E000002

Account Screen

Window: 6

Account: 6019180368616153GE

General Information

Encore Account #: 1188563

First Name: SAM K Last Name: DADJO

Addr: 28369 ROCHELLE AVE Social Security #:

Home Phone: 510-690-0116

Addr:

View All Notes

General Information

Item modified by Logic Block CLEARCNT.

NJ 04/30/07 11:10P Item modified by Logic Block CLEARCNT.

sys 04/30/07 7:41P Unattended Message Left

sys 04/30/07 5:58A Modified by NB Batch .

sys 04/29/07 10:02A Unattended Message Left

sys 04/28/07 6:05A Modified by NB Batch .

sys 04/27/07 3:35P Unattended Message Left

KMJ2 04/27/07 9:09A Modified by NB Batch .

sys 04/27/07 6:29A Modified by NB Batch .

sys 04/26/07 1:27P Unattended Message Left

sys 04/26/07 6:01A Modified by NB Batch .

sys 04/25/07 1:50P Unattended Message Left

sys 04/25/07 6:03A Modified by NB Batch .

for Search

<Gold><S>



Account Screen

Account: 6019180368616153GE Window: 6

General Information

Encore Account #: 1188563

Last Name: DADJO

First Name: SAM K

Social Security #:

Addr: 28369 ROCHELLE AVE

Home Phone: 510-690-0116

Addr:

View All Notes

sys 04/20/07 6:05A Modified by NB Batch .

sys 04/19/07 1:27P Unattended Message Left

sys 04/19/07 10:27A contacted by dialer (Unattended Messaging) 510-690-0116  
(STHOMEPEH)

sys 04/19/07 6:00A Modified by NB Batch .

sys 04/18/07 2:19P Unattended Message Left

sys 04/18/07 6:02A Modified by NB Batch .

sys 04/17/07 4:50P Unattended Message Left

KMJ2 04/17/07 9:48A Modified by NB Batch .

NJ 04/17/07 7:47A Account modified by Logic Block BANKOLB. Removed from  
Pool 666.

sys 04/17/07 5:59A Modified by NB Batch .

for Search<Gold><S> for Search

Account Screen

Account: 6019180368616153GE Window: 6

General Information

Encore Account #: 1188563

3 First Name: SAM K Last Name: DADJO

3 Addr: 28369 ROCHELLE AVE Social Security #:

3 Addr: Home Phone: 510-690-0116

View All Notes

3 sys 04/16/07 5:59A Modified by NB Batch .

3 E1R 04/15/07 1:37P Viewed in Preview Mode. Removed from Pool 667.

3 sys 04/14/07 2:44P Unattended Message Left

3 sys 04/14/07 2:44P Account modified by Logic Block GERSFCO. Removed from

3 Pool 662.

3 B14B 04/14/07 1:03P contacted by dialer 510-690-0116 (STHOMEPEH)

3 B14B 04/14/07 1:03P Account modified by Logic Block BEGINREC. Removed from

3 Pool 660.

3 sys 04/14/07 6:10A Modified by NB Batch .

3 sys 04/13/07 12:21P Unattended Message Left

3 KMJ2 04/13/07 10:37A Modified by NB Batch .

3 KMJ2 04/13/07 10:37A Account modified by Logic Block DECIMP. Removed from

3 KMJ2 04/13/07 10:37A Account modified by Logic Block DECIMP. Removed from

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3 KMJ2 04/13/07 10:37A Account modified by Logic Block DECIMP. Removed from

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Account Screen

Window: 6

Account: 6019180368616153GE

General Information

Encore Account #: 1188563

3 First Name: SAM K Last Name: DADJO

3 Addr: 28369 ROCHELLE AVE Social Security #:

Home Phone: 510-690-0116

3 Addr: View All Notes

Pool 662.

3 KMJ 04/13/07 9:59A Account modified by Logic Block BANKOIMP. Removed from  
Pool 660.

3 NJ 04/13/07 7:47A Account modified by Logic Block BANKOLB. Removed from  
Pool 660.

3 sys 04/13/07 6:08A Modified by NB Batch .

3 sys 04/12/07 10:38A Unattended Message Left

3 sys 04/12/07 6:01A Modified by NB Batch .

3 sys 04/11/07 4:18P Modified by NB Batch .

3 sys 04/11/07 10:02A Unattended Message Left

3 sys 04/11/07 10:02A STCODE changed from 3BAD to UNLM

3 sys 04/11/07 7:04A Modified by NB Batch .

3 sys 04/11/07 7:04A Modified by NB Batch .  
for Search





## Account Screen

Window: 6

Account: 601918036861615356

General Information

Encore Account #: 1188563

First Name: SAM K Last Name:  Social Security #:

3 Addr: 28369 ROCHELLE AVE Social Security: " Home Phone: 510-690-0116

3      Addr:

View All Notes

<sup>3</sup> sys 04/10/07 6:08A Modified by NB Batch .  
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sys 04/09/07 7:01P Account m

Pool 660.

1 845 04/08/07 7:01P HOME STHOMEPEH - NO Answer

sys 04/09/07 7:01P HOME STWORKPH - Outbound Hold Lost - CALL D  
04/09/07 3:48P WORK STWORKPH - Outbound Hold Lost - CALL D

sys 04/09/07 3:46P WORK BENCHMARK  
- 04/09/07 3:26P contacted by dialer 800-638-9994 (STWORKPH)

3 A18B 04/09/07 3:26P contacted

3 sys 04/09/07 11:40A Account modified by logic block 00000000000000000000000000000000

3 - Pool 660. ANSWER. No Answer.

3 sys 04/09/07 11:40A WORK STWO

sys 04/09/07 8:34A Account modified by Logic

for Search

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Account Screen

Window: 6

Account: 6019180368616153GE

General Information

Encore Account #: 1188563

Last Name: DADJO

First Name: SAM K

Addr: 28369 ROCHELLE AVE

Social Security #:

Home Phone: 510-690-0116

Addr:

View All Notes

sys 04/07/07 11:06A Account modified by Logic Block GERSFNA. Removed from

Pool 662.

sys 04/07/07 11:06A WORK STWORKPH - No Answer

sys 04/07/07 9:51A Account modified by Logic Block GERSFNA. Removed from

Pool 660.

sys 04/07/07 9:51A WORK STWORKPH - No Answer

sys 04/07/07 8:40A Account modified by Logic Block GERSFNA. Removed from

Pool 662.

sys 04/07/07 8:40A WORK STWORKPH - No Answer

sys 04/07/07 6:05A Modified by NB Batch .

A17W 04/03/07 2:23P STPTPDTE changed from to

A17W 04/03/07 2:23P STPTPAMT changed from \$ to \$

for Search

Account Screen

Window: 6

Account: 6019180368616153GE

General Information

Encore Account #: 1188563

First Name: SAM K Last Name: DADJO

Addr: 28369 ROCHELLE AVE Social Security #:

Home Phone: 510-690-0116

Addr:

View All Notes

A17W 04/03/07 2:23P STCTNXT changed from to 04/04/2007

A17W 04/03/07 2:23P STCODE changed from UNLM to 3BAD

A17W 04/03/07 2:22P contacted by dialer 800-638-9994 (STWORKPH)

A17W 04/03/07 2:22P Account modified by Logic Block BEGINREC. Removed from

Pool 660.

KMJ2 04/03/07 10:13A Modified by NB Batch .

sys 04/03/07 6:03A Modified by NB Batch .

sys 04/02/07 5:16P Unattended Message Left

sys 04/02/07 6:02A Modified by NB Batch .

NJ 03/31/07 10:49P Item modified by Logic Block CLEARCNT.

sys 03/31/07 6:21A Modified by NB Batch .

sys 03/30/07 12:45P Unattended Message Left

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Account Screen

Window: 6

Account: 6019180368616153GE

General Information

Encore Account #: 1188563

3 First Name: SAM K Last Name: DADJO

3 Addr: 28369 ROCHELLE AVE Social Security #:

3 Addr: Home Phone: 510-690-0116

View All Notes

3 KMJ2 03/30/07 9:57A Modified by NB Batch .

3 sys 03/30/07 6:05A Modified by NB Batch .

3 sys 03/29/07 8:34P Unattended Message Left

3 sys 03/29/07 8:34P Account modified by Logic Block GERSFCO. Removed from  
3 Pool 662.

3 sys 03/29/07 5:58A Modified by NB Batch .

3 sys 03/28/07 1:54P Unattended Message Left

3 sys 03/28/07 6:01A Modified by NB Batch .

3 sys 03/27/07 4:11P Unattended Message Left

3 sys 03/27/07 12:39P Account modified by Logic Block GERSFNA. Removed from  
3 Pool 666.

3 sys 03/27/07 12:39P HOME STHOMEPH - No Answer

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Account Screen

Account: 6019180368616153GE Window: 6

General Information

Encore Account #: 1188563

Last Name: DADJO

First Name: SAM K

Social Security #:

Addr: 28369 ROCHELLE AVE

Home Phone: 510-690-0116

Addr:

View All Notes

KMJ2 03/27/07 10:44A Modified by NB Batch .

sys 03/27/07 6:00A Modified by NB Batch .

sys 03/26/07 6:02A Modified by NB Batch .

sys 03/24/07 12:47P Account modified by Logic Block GERSFNA. Removed from Pool 666.

sys 03/24/07 12:47P HOME STHOMEPH - No Answer

sys 03/24/07 6:19A Modified by NB Batch .

sys 03/23/07 12:59P Unattended Message Left

JMP2 03/23/07 9:35A Modified by NB Batch .

sys 03/23/07 6:20A Modified by NB Batch .

sys 03/22/07 3:43P Unattended Message Left

sys 03/22/07 3:43P STCODE changed from to UNLM

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Account Screen

Account: 6019180368616153GE Window: 6

General Information

Encore Account #: 1188563

3 First Name: SAM K Last Name: DADJO

3 Addr: 28369 ROCHELLE AVE Social Security #:

Home Phone: 510-690-0116

3 Addr:

View All Notes

3 sys 03/22/07 5:56A Modified by NB Batch .

3 sys 03/21/07 6:15A Modified by NB Batch .

3 NJ 03/20/07 9:25A Modified by NB Batch .

3 KMJ2 03/20/07 9:11A Modified by NB Batch .

3 sys 03/20/07 6:06A Modified by NB Batch .

3 sys 03/19/07 2:45P Outbound Call - Connected

3 MLH 03/19/07 2:02P Modified by NB Batch .

3 MLH 03/19/07 2:02P STCODE changed from UNLM to

3 NJ 03/19/07 7:14A Letter 400 printed on 03/19/2007 7:02AM

3 sys 03/19/07 6:04A Modified by NB Batch .

3 sys 03/18/07 1:52P Outbound Call - Connected

3 sys 03/17/07 3:49P Unattended Message Left

3 sys 03/17/07 3:49P Unattended Message Left

for Search

Account Screen

Account: 6019180368616153GE Window: 6

General Information

Encore Account #: 1188563

Last Name: DADJO

First Name: SAM K

Social Security #:

Addr: 28369 ROCHELLE AVE Home Phone: 510-690-0116

Addr:

View All Notes

sys 03/17/07 3:49P STCODE changed from to UNLM

KLS2 03/17/07 10:56A Letter 400 sent on 60706.

KLS2 03/17/07 10:56A Letter 400 requested.

KLS2 03/17/07 10:56A Modified by NB Batch .

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ACCOUNT # 6019183368616153 \* 6

PAGE 002

ENDS S=SELECT C/U=UPDATE D=DELETE

MEMO TEXT

C USER TYPE DATE TIME

C/S/SCOLL 050407 1442 SATTY STATE: CA

C/S/SCOLL 050407 1442 SATTY ZIP: 95119

C/S/SCOLL 050407 1441 PORT CODE: 8CA09

C/S/SCOLL 050407 1441 #STS: PRIMARY

C/S/SCOLL 050407 1441 #OBJ: 07700707

C/S/SCOLL 050407 1441 SATTY PHM: 4082946180

C/S/SCOLL 050407 1441 #TRUSTEE: TEVIS THOMPSON

C/S/SCOLL 050407 1441 #TRUSTEE: P-O- BON 3440

C/S/SCOLL 050407 1441 #TRUSTEE CITY: MARTINEZ

C/S/SCOLL 050407 1441 #TRUSTEE STATE: CA

C/S/SCOLL 050407 1441 #TRUSTEE ZIP: 94552

C/S/SCOLL 050407 1441 #TRUSTEE PHN: 9252260126

C/S/SCOLL 050407 1441 #CHP: 7

C/S/SCOLL 050407 1441 #FLB: 05732707

C/S/SCOLL 050407 1441 #CS: 0741881

C/S/SCOLL 031306 1210 REFLPF 29.00, PHONE A MISUNDERSTANDING, PAYMENT REQUIRED  
F2=ADD NEW MEMO F5=SUPPLY F7=BACK F8=FORWARD

SELECT A MENU & ENTER FOR PRESS PR KEY

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NEW EDITIONS - EXTRA! Enterprise

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EDMS DISDISPLAY  
 DADJO, SAM 4\*\*28369 ROCHELLE RUE\*HAYWARD\*CA\*94541-5444-5449-6019180368516153\*\*6  
 ACCOUNT # 6019180368516153

CMD5 S=SELECT C/F=UPDATE D=DELETE PAGE 067

C	USER	TYPE	DATE	TIME	MEMO	TEXT
NH	NH1418X	012367	4/5/3	04/22/07 15:25:55	HP.	NO ANSWER (GCS)
NH	NH1418X	012267	13/3	01/20/07 12:04:21	HP.	NO ANSWER (GCS)
NH	NH1418X	011907	1556	01/13/07 21:23:17	HP.	NO ANSWER (GCS)
NH	NH1418X	011907	1008	01/19/07 14:54:13	HP.	NO ANSWER (GCS)
SMS		011707	4101	01172007140138	BILLING STATEMENT USN	
SMS		011707	1101	01172007140138	PAYMENT USN	
NH	NH1418X	042306	4208	04/22/06 22:05	HP	NO ANSWER (GCS)
NH	NH1418X	042606	0921	04/25/06 22:05:49	HP	NO ANSWER (GCS)
NH	NH1418X	042406	5708	04/23/06 22:33:39	HP	NO ANSWER (GCS)
NH	NH1418X	042106	0920	04/20/06 12:45:48	HP	ANS MSG (GCS)
NH	NH1418X	042006	0356	04/19/06 22:36:40	HP	NO ANSWER (GCS)
NH	NH1418X	041906	0952	04/18/06 22:39:57	HP	NO ANSWER (GCS)
RG2	22443	031706	0735	080602 7026201017	HP ANSWER (GCS)	
SH	040	031606	0100	*SUNN06* * * * *	ACTION ENTRYS	5 PRACTICE/PROMPT
SH	04150	021006	0733	02/10/06 04:49		
NH	NH14152	020206	0446	02/02/06 04:49		
				F7=BACK	F8=FORWARD	
				F2=ADD NEW MEMO	PF5=PL1	

SELECT A MENU & ENTER OR PRESS PF MEN

UMENTION - 00

04:00:2

01/03

E0000025

E0000026

RCMS CUSTOS DISPLAY					
DADJO, SAN M. 20069 ROCHELLE AVE * HAWAIIAN COAST 454-5148 808-616-4524 0					
ACCOUNT # 6019480058316453 PAGE 048					
CHDS	S = SELECT	C / U = UPDATE	D = DELETE	MEMO TEXT	
USER	TYPE	DATE	TIME	WITH PAY DEFERRED INTEREST	
20	975	120205	0237	CLOSURE 00 WITH PAY DEFERRED INTEREST	
NOV 17 2005	441705	0445	*	NEW RELN 510-690-9670 COMP H11 008-008-0000 0000 0000	
NA					

NEW FDR-NET 10.174.95.246 - myEXTRA!Enterprise

F2 = Q D D    NEW MENU    PF5 = P Y I    F7 = BACK    F8 = FORWARD

SELECT A MEMO & ENTER OR PRESS PF KEY    F2 = MENU IN 00

01703

ITEM: 00-2

**PROOF OF SERVICE**

1 STATE OF CALIFORNIA )  
 2 )  
 3 ) ss.  
 4 COUNTY OF LOS ANGELES )

5 I am employed in the County of Los Angeles, State of California.

6 I am over the age of eighteen years and not a party to the within action. my business address is  
 7 5959 W. Century Blvd., Suite 1214, Los Angeles, California 90045.

8 On April 3, 2008, I served the foregoing document(s) described as: **DEFENDANT'S**  
**RESPONSE TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF**  
**DOCUMENTS** on all interested parties in this action by:

**SEE ATTACHED SERVICE LIST**

11  **BY ELECTRONIC MAIL** : Based on Court order or an agreement of the parties to accept  
 12 service by e-mail or electronic transmission, I caused the said documents to be sent to the  
 13 persons at the electronic mail addresses listed below (see attached service list). I did not receive  
 within a reasonable time after the transmission, any electronic message or other indication that  
 the transmission was unsuccessful.

14  **BY MAIL**: I sealed such envelope(s) and placed it (them) for collection and mailing on this  
 15 date following the ordinary business practices of Carlson & Messer LLP. I am "readily familiar"  
 16 with the business practices of Carlson & Messer LLP for collection and processing of  
 17 correspondence for mailing with the United States Postal Service. Such correspondence would  
 be deposited with the United States Postal Service at Los Angeles, California this same day in  
 the ordinary course of business with postage thereon fully prepaid.

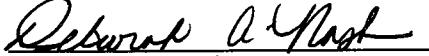
18  **BY FACSIMILE**: On the date set forth below, at approximately \_\_\_\_\_, I transmitted the above  
 19 document(s) from facsimile machine number (310)242-2222, in compliance with transmission  
 20 as provided in California Rule of Court 2008. The fax number(s) that I used are shown above  
 or on the attached Service List, along with the names of recipients and the interested parties.  
 21 The Facsimile Machine I used complied with California Rule of Court 2003(3). The  
 transmission was reported as complete and without error by the machine, which properly issued  
 the transmission report.

22  **BY PERSONAL SERVICE BY HAND**: I personally served said document(s) on the date set  
 forth below, by personally hand serving the aforementioned document to (See Service List)

23  **(STATE)** - I declare under penalty of perjury under the laws of the State of California that  
 the above is true and correct.

24  **(FEDERAL)** - I declare that I am employed in the office of a member of the bar of this court at  
 25 whose direction the service was made.

26 Executed this 3<sup>rd</sup> day of April, 2008, at Los Angeles, California.

27   
 28 Deborah A. Nash

1 **SERVICE LIST**

2 **Samuel Kwest Dadjo v. Encore Receivable Management, Inc.**  
3 Our File No . 05704.00

4 Fred W. Schwinn, Esq.  
5 CONSUMER LAW CENTER, INC.  
6 12 South First Street, Suite 416  
7 San Jose, CA 95113-2404  
8 Phone: (408) 294-6100  
9 Fax: (408) 294-6190

10 **Attorneys for Plaintiff SAMUEL KWEST**  
11 **DADJO**

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